

SC DOCKET SHEET**CASE NO. PC-2020-07233**

Carline Vilbon
v.
HB EMPLOYEE SERVICES, LLC

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Location: **Providence/Bristol County Superior Court**
 Filed on: **10/16/2020**
 US District Court Case Number: **1:21-cv-00003**

CASE INFORMATION**Statistical Closures**

01/05/2021 Closed-Non Trial-Unassigned-Removed to Federal Court

Case Type: **Civil Rights/Job Discrimination**

Case Status: **01/05/2021 Closed**

DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number
 Court
 Date Assigned

PC-2020-07233
 Providence/Bristol County Superior Court
 10/16/2020

PARTY INFORMATION





Plaintiff **Vilbon, Carline**

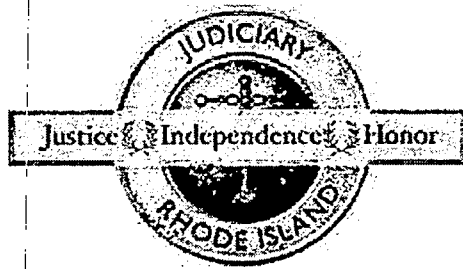
Lead Attorneys
SAVAGE, RICHARD J.
Retained
 4017329500(W)

Defendant **HB EMPLOYEE SERVICES, LLC**

FOLGER-HARTWELL, JILLIAN
Retained
 4018242107(W)

DATE**EVENTS & ORDERS OF THE COURT****EVENTS**

01/05/2021 Closed-Non Trial-Unassigned-Removed to Federal Court
 01/05/2021 Case Removed to US District Court
 01/04/2021  Notice of Removal
Notice of Filing of Notice of Removal
 12/08/2020  Summons Proof of Service Filed
Summons /Complaint served
 10/16/2020  Summons
 10/16/2020  Complaint Filed
Complaint



STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS

CLERK'S CERTIFICATE AND TRANSMITTAL OF THE RECORD

Case Information

Case Caption: Carline Vilbon vs. HB Employees Services LLC
Federal Court Case No. 1:21-cv-00003 State Court Case No. PC-2020-07233

Record Information

Confidential: Yes ☐ No ☒ Description: _____
Sealed documents: Yes ☐ No ☒ Description: _____

Certification

I, Stephen Burke, Clerk of the Rhode Island Superior Court for the County of
Providence do certify that the attached documents are all the documents
included in the record in the above referenced case.

Date: Jan/5/2021

Clerk:

/s/ Stephen Burke

Prepared by:

/s/ Dennis Ricci

STATE OF RHODE ISLAND
PROVIDENCE, S.C.

SUPERIOR COURT

CARLINE VILBON,

Plaintiff,

v.

HB EMPLOYEE SERVICES, LLC,

Defendant.

Civil Action No. PC 20-7233

NOTICE OF FILING OF NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332(a), 1441 and 1446(d), Defendant HB Employee Services, LLC (“Defendant”) gives notice to the Superior Court of Providence County, Rhode Island, and to the attorney for Plaintiff Carline Vilbon, that on January 4, 2021, Defendant filed a Notice of Removal, thereby removing this action to the United States District Court for the District of Rhode Island. A certified copy of the Notice of Removal is attached to this Notice.

HB EMPLOYEE SERVICES, LLC,

By its attorneys,

/s/Jillian S. Folger-Hartwell

Jillian S. Folger-Hartwell (#6970)

Breegan Semonelli (#9800)

LITTLER MENDELSON, P.C.

One Financial Plaza, Suite 2205

Providence, RI 02903

(401) 824-2500

(401) 454-2969 (fax)

jfolgerhartwell@littler.com

bsemonelli@littler.com

Dated: January 4, 2021

CERTIFICATE OF SERVICE

I, Jillian S. Folger-Hartwell, hereby certify that a true and accurate copy of the foregoing document was filed and served electronically by operation of the Court's electronic filing system upon the following counsel of record on this 4th day of January, 2021:

Richard J. Savage, Esq.
Savage & Savage
156 Airport Road
Warwick, RI 02889
richard@savageandsavage.com

/s/Jillian S. Folger-Hartwell
Jillian S. Folger-Hartwell

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

CARLINE VILBON,

Plaintiff,

v.

HB EMPLOYEE SERVICES, LLC,

Defendant.

Civil Action No. _____

NOTICE OF REMOVAL

Defendant HB Employee Services, LLC (“Defendant”) files this Notice of Removal in accordance with 28 U.S.C. §§ 1332(a), 1441 and 1446, and hereby removes this action from the Superior Court of the State of Rhode Island, Providence County (the “Superior Court Action”) to the United States District Court for the District of Rhode Island. As its reasons for removal, Defendant states:

BACKGROUND

1. By Summons and Complaint, Plaintiff Carline Vilbon (“Vilbon”) commenced a civil action against Defendant in Providence County Superior Court titled Carline Vilbon v. HB Employee Services, LLC, C.A. No. PC 20-7233. A true and correct copy of the Summons and Complaint that Vilbon caused to be served upon Defendant is attached as Exhibit A and constitutes all processes, pleadings and orders served upon Defendant in this action to the present date. 28 U.S.C. § 1446(a).

2. Defendant was served with the Summons and Complaint in the Superior Court Action on December 4, 2020. The instant Notice of Removal is being filed within 30 days of the

date on which Defendant was served with the Summons and Complaint in the Superior Court Action. 28 U.S.C. § 1446(b).

3. Attached as Exhibit B is a copy of the Notice of Filing of Notice of Removal, the original of which is being filed with the Providence County Superior Court. 28 U.S.C. § 1446(d).

DIVERSITY JURISDICTION

4. This Court has diversity jurisdiction over the Complaint pursuant to 28 U.S.C. § 1332 because the parties are citizens of different states and the matter in controversy exceeds the sum or value of \$75,000.

5. Vilbon alleges she is a resident of the State of Rhode Island.

6. Defendant is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business in Brentwood, Tennessee.

7. Although the Complaint does not specify the precise amount of damages sought, the amount in controversy in this case exceeds \$75,000. Vilbon seeks to recover financial harm, emotional distress, attorneys' fees, expert witness fees, costs, and punitive damages. See Compl. ¶¶ 29, 34, 39, and the Paragraph following ¶ 39.

8. Inasmuch as Vilbon claims she was constructively discharged as of December 12, 2017, Compl. ¶¶ 19, 24, her back pay claim alone, using an annual salary of approximately \$51,000 per year¹, exceeds \$75,000.

9. Because the requirements for diversity jurisdiction are satisfied, this Court has jurisdiction over all claims and parties pursuant to 28 U.S.C. § 1332(a). The Complaint is properly removed pursuant to 28 U.S.C. §§ 1441 and 1446.

¹ Plaintiff was a non-exempt, part time, employee and only worked for Defendant for a few short weeks. She had a varying schedule during this time. The \$50,000 annual salary is Defendant's approximation of what Plaintiff may have made in a year based on her actual hours during the period she worked for Defendant.

REMOVAL TO THIS DISTRICT IS PROPER

10. This Notice of Removal is being filed in the District of Rhode Island, the District Court of the United States for the district and division within which the Superior Court Action is pending. 28 U.S.C. §§ 1441(a) and 1446(a).

WHEREFORE, Defendant respectfully requests that this Action be removed to the United States District Court for the District of Rhode Island.

HB EMPLOYEE SERVICES, LLC,

By its attorneys,

/s/Jillian S. Folger-Hartwell

Jillian S. Folger-Hartwell (#6970)

Breegan Semonelli (#9800)

LITTLER MENDELSON, P.C.

One Financial Plaza, Suite 2205

Providence, RI 02903

(401) 824-2500

(401) 454-2969 (fax)

jfolgerhartwell@littler.com

bsemonelli@littler.com

Dated: January 4, 2021

CERTIFICATE OF SERVICE

I, Jillian S. Folger-Hartwell, hereby certify that a true and accurate copy of the foregoing document was filed and served electronically by operation of the Court's CM/ECF System upon the following counsel of record on this 4th day of January, 2021:

Richard J. Savage, Esq.
Savage & Savage
156 Airport Road
Warwick, RI 02889
richard@savageandsavage.com

/s/ Jillian S. Folger-Hartwell
Jillian S. Folger-Hartwell

EXHIBIT A



STATE OF RHODE ISLAND

SUPERIOR COURT

SUMMONS

	Civil Action File Number PC-2020-07233
Plaintiff Carline Vilbon v. HB EMPLOYEE SERVICES, LLC Defendant	Attorney for the Plaintiff or the Plaintiff Richard J. Savage Address of the Plaintiff's Attorney or the Plaintiff SAVAGE & SAVAGE 156 AIRPORT ROAD WARWICK RI 02889
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant No Known Address

TO THE DEFENDANT, HB EMPLOYEE SERVICES, LLC:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 10/16/2020.

/s/ Henry Kinch
 Clerk

Witness the seal/watermark of the Superior Court

DATE 12/4/20
 A TRUE COPY ATTEST
 VINCENT P CATAMERO
 R.I. CONSTABLE #6023

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Plaintiff

Carline Vilbon

v.

HB EMPLOYEE SERVICES, LLC

Defendant**Civil Action File Number**

PC-2020-07233

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, HB EMPLOYEE SERVICES, LLC, by delivering or leaving said papers in the following manner:

☐ With the Defendant personally.

☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person of suitable age and discretion _____

Address of dwelling house or usual place of abode _____

Age _____

Relationship to the Defendant _____

☐ With an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ With a guardian or conservator of the Defendant.

Name of person and designation _____

☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.

☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.

Name of person and designation _____



STATE OF RHODE ISLAND AND

PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

☐ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

_____☐ I was unable to make service after the following reasonable attempts: _____
_____SERVICE DATE: ____/____/____
Month Day Year

SERVICE FEE \$ _____

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE _____

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature _____

State of _____

County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notaryor ☐ proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

Page 2 of 2

4. Venue is proper in this Court since the alleged unlawful employment practices occurred in Providence County, and the Defendant operates a facility in Providence County.

PARTIES

5. Plaintiff, a black woman who was born in Haiti, resides in the City of Pawtucket, County of Providence, State of Rhode Island. She at all times relevant hereto was an “employee” of HB Employee Services, LLC and she was a party to an employment contract with Defendant pursuant to RIGL § 42-112-1 *et seq.*
6. Defendant HB Employee Services, LLC is a Rhode Island Domestic Corporation. Defendant is an “employer” and it was a party to an employment contract with Plaintiff pursuant to RIGL § 42-112-1 *et seq.*

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

7. Plaintiff was employed by Defendant as a Registered Nurse (RN) nighttime supervisor from September 2017-December 10, 2017.
8. During her entire tenure with Defendant, Plaintiff always performed her job satisfactorily.
9. As part of Plaintiff’s job duties as a supervisor, she supervised Certified Nursing Assistants (CNAs).
10. Two of the CNAs that Plaintiff supervised were Sam Ogun and Nancy Toby.
11. Ms. Ogun and Ms. Toby are from Liberia, an English-speaking nation, and Plaintiff was from Haiti, a French speaking nation.
12. Ms. Ogun and Ms. Toby subjected Plaintiff to a hostile work environment at Defendant’s facility.

Page 15

her and threatening Plaintiff that she did not forget what Plaintiff did; (13) Ms. Ogun instructing Ms. Toby not to listen to Plaintiff; (14) Ms. Toby falsely reporting that a resident made a complaint that Plaintiff made loud noises and the patient did not feel comfortable around Plaintiff; (15) Ms. Toby and Ms. Ogun falsely accusing Plaintiff of sleeping on the job; and (16) Ms. Toby and Ms. Ogun falsely accusing Plaintiff of poor patient care.

15. The actions by Ms. Toby and Ms. Ogun described in the previous paragraph created an intimidating and hostile environment for Plaintiff to work in as they were severe and/or pervasive and were done because Plaintiff was from Haiti.

16. The actions by Ms. Toby and Ms. Ogun were not welcomed by Plaintiff, were offensive to Plaintiff and would have been offensive to the reasonable person in Plaintiff's shoes.

17. On at least three occasions Plaintiff reported the actions by Ms. Toby and Ms. Ogun to her direct supervisor, Stephen Bergeron, who was Plaintiff's Director of Nurses.

18. On or about October 25, 2017, the first time Plaintiff reported the conduct of Ms. Ogun and Ms. Toby to Mr. Bergeron, he took no remedial action against them and told Plaintiff that they were just getting to know her and the facility.

19. On Plaintiff's last weekend working for Defendant, December 8-12, 2017 she reported Ms. Ogun and Ms. Toby's conduct to Mr. Bergeron.

20. Mr. Bergeron allegedly began an investigation into this matter.

21. Instead on taking any remedial action against Ms. Ogun and Ms. Toby, Mr. Bergeron retaliated against Plaintiff for complaining about the hostile working environment by, but not exclusively: (1) believing the false allegations of Ms. Toby and Ms. Ogun that

Plaintiff was providing poor patient care and sleeping on the job, which led to Plaintiff being suspended; (2) falsely accusing Plaintiff of poor patient care; (3) falsely accusing Plaintiff of submitting a fraudulent application (4) falsely claiming that Plaintiff said she was going to shoot up Defendant's facility, and (5) making false allegations against Plaintiff and filing a restraining order against her.

22. When other white Registered Nurses complained about the conduct of the CNAs to Mr. Bergeron, he took prompt effective remedial action to address their concerns.

23. It is Plaintiff's information and belief that Mr. Bergeron was willing to take prompt effective remedial action on behalf of white RNs who had issues with CNAs but failed to do so with Plaintiff, because of Plaintiff's race and national origin.

24. As a result of the actions by Ms. Ogun and Ms. Toby, Defendant's failure to provide prompt effective remedial action to end the hostile work environment, and Defendant's retaliation for complaining about a hostile work environment, Plaintiff was left with no other reasonable choice but to refuse to go back to Defendant when she was called back to work by them at some point on December 2017 or January 2018.

25. As a result of the actions by Ms. Ogun and Ms. Toby, Defendant's failure to provide prompt effective remedial action to end the hostile work environment, and Defendant's retaliation for Plaintiff complaining about a hostile work environment, Plaintiff has not been able to be employed at any place of employment and she is currently on SSDI.

FIRST CAUSE OF ACTION

National Origin (hostile work environment)

RIGL §§ 42-112-1 et seq.

26. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 25 of this Complaint with the same force and effect as if set forth herein.
27. Plaintiff was subjected to a hostile work environment based on her national origin, Haitian, in that the actions taken against her by other employees were severe and/or pervasive, unwelcome, were offensive to her and would have been offensive to the reasonable person in Plaintiff's shoes.
28. Plaintiff reported the other employees' hostile treatment of her to Defendant and Defendant failed to take any prompt effective remedial action against the employees who caused Plaintiff to be subjected to a hostile work environment, in violation of the Rhode Island Civil Rights Act.
29. As a direct and proximate cause of said acts, Plaintiff suffered and continues to suffer loss of income, loss of other employment benefits, and has suffered and continues to suffer emotional distress, humiliation, great expense, embarrassment, and damage to her reputation, and loss of enjoyment of life.

SECOND CAUSE OF ACTION

National Origin and Race (unequal working conditions)

30. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 25 of this Complaint with the same force and effect as if set forth herein.
31. Plaintiff was subjected to unequal working conditions based on her race and national origin when Defendant failed to take prompt effective remedial action against the

CNAs that subjected Plaintiff to a hostile work environment, but did take prompt effective remedial action against the CNAs who had issues with white RNs, in violation of the Rhode Island Civil Rights Act.

32. Plaintiff reported the other employees' hostile treatment of her to Defendant and Defendant failed to take any prompt effective remedial actions against the employees who caused Plaintiff to be subjected to a hostile work environment, in violation of the Rhode Island Civil Rights Act.
33. Defendant's failure to take prompt effective remedial action against the CNAs that subjected Plaintiff to a hostile work environment, but did take prompt effective remedial action against the CNAs who had issues with white RNs, subjected Plaintiff to unequal working conditions on the basis of her race and national origin, in violation of the Rhode Island Civil Rights Act.
34. As a direct and proximate cause of said acts, Plaintiff suffered and continues to suffer loss of income, loss of other employment benefits, and has suffered and continues to suffer emotional distress, humiliation, great expense, embarrassment, and damage to her reputation, and loss of enjoyment of life.

THIRD CAUSE OF ACTION

Retaliation

RIGL §§ 42-112-1 et seq.

35. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 25 of this Complaint with the same force and effect as if set forth herein.
36. Plaintiff complained that she was being subjected to a hostile work environment to Defendant on the basis of her national origin.

37. As a result of Plaintiff complaining about being discriminated against on the basis of her national origin, Defendant retaliated against Plaintiff by suspending her and making up false allegations against her, in violation of the Rhode Island Civil Rights Act.

38. Defendant's retaliatory conduct against Plaintiff led Plaintiff to be constructively discharged by Defendant.

39. As a direct and proximate cause of said acts, Plaintiff suffered and continues to suffer loss of income, loss of other employment benefits, and has suffered and continues to suffer emotional distress, humiliation, great expense, embarrassment, damage to her reputation, and loss of enjoyment of life.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests the Court to enter judgment:

- a. Declaring the acts and practices complained herein were in violation the Rhode Island Civil Rights Act, RIGL 42-112-1 *et seq.*;
- b. Enjoining and permanently restraining the Defendant from violations of the Rhode Island Civil Rights Act;
- c. Directing Defendant to take such affirmative action as is necessary to ensure that the effects of these unlawful employment practices are eliminated and do not continue to affect Plaintiff's employment opportunities;
- d. Directing Defendant to make Plaintiff whole for all earnings she would have received but for Defendant's discriminatory treatment, including, but not limited to, wages, and employee benefits;

- e. Awarding Plaintiff compensatory damages for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses;
- f. Awarding Plaintiff the cost of this action together with reasonable attorney's fees and expert witness fees, as provided by R.I. Gen. Laws §§ 42-112-1 *et seq.*;
- g. Awarding the Plaintiff punitive damages for the Defendant's intentional, malicious, and reckless conduct towards Plaintiff;
- h. Granting such other and further relief as this court deems necessary and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY

Respectfully submitted,
By Plaintiff's Attorney,

/s/ Richard J. Savage

Richard J. Savage (#5448)
SAVAGE & SAVAGE
156 Airport Road
Warwick, RI 02889
Telephone: (401) 732-9500
Fax: (401) 732-0166
Dated: October 16, 2020
richard@savageandsavage.com

EXHIBIT B

STATE OF RHODE ISLAND
PROVIDENCE, S.C.

SUPERIOR COURT

CARLINE VILBON,

Plaintiff,

v.

HB EMPLOYEE SERVICES, LLC,

Defendant.

Civil Action No. PC 20-7233

NOTICE OF FILING OF NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332(a), 1441 and 1446(d), Defendant HB Employee Services, LLC (“Defendant”) gives notice to the Superior Court of Providence County, Rhode Island, and to the attorney for Plaintiff Carline Vilbon, that on January 4, 2021, Defendant filed a Notice of Removal, thereby removing this action to the United States District Court for the District of Rhode Island. A certified copy of the Notice of Removal is attached to this Notice.

HB EMPLOYEE SERVICES, LLC,

By its attorneys,

/s/Jillian S. Folger-Hartwell

Jillian S. Folger-Hartwell (#6970)

Breegan Semonelli (#9800)

LITTLER MENDELSON, P.C.

One Financial Plaza, Suite 2205

Providence, RI 02903

(401) 824-2500

(401) 454-2969 (fax)

jfolgerhartwell@littler.com

bsemonelli@littler.com

Dated: January 4, 2021

CERTIFICATE OF SERVICE

I, Jillian S. Folger-Hartwell, hereby certify that a true and accurate copy of the foregoing document was filed and served electronically by operation of the Court's electronic filing system upon the following counsel of record on this 4th day of January, 2021:

Richard J. Savage, Esq.
Savage & Savage
156 Airport Road
Warwick, RI 02889
richard@savageandsavage.com

/s/Jillian S. Folger-Hartwell_____
Jillian S. Folger-Hartwell

This civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
CARLINE VILBON

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Richard J. Savage, Esq., Savage & Savage
156 Airport Road
Warwick, RI 02889

DEFENDANTS
HB EMPLOYEE SERVICES, LLC

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Jillian S. Folger-Hartwell, Esq., Littler Mendelson, P.C.
One Financial Plaza, Suite 2205
Providence, RI 02903
Tel. 401-824.2500

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff

☐ 2 U.S. Government Defendant

☐ 3 Federal Question (U.S. Government Not a Party)

☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☐ 1 Original Proceeding

☒ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

☐ 5 Transferred from Another District (specify)

☐ 6 Multidistrict Litigation - Transfer

☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 1332(a)
Brief description of cause:
Employment discrimination/harassment.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
In excess of \$75,000

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY
(See instructions):
JUDGE _____ DOCKET NUMBER _____

DATE
January 4, 2021
SIGNATURE OF ATTORNEY OF RECORD
/s/ Jillian S. Folger-Hartwell #6970

FOR OFFICE USE ONLY
RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.



STATE OF RHODE ISLAND

SUPERIOR COURT

SUMMONS

Plaintiff Carline Vilbon v. HB EMPLOYEE SERVICES, LLC Defendant	Civil Action File Number PC-2020-07233 Attorney for the Plaintiff or the Plaintiff Richard J. Savage Address of the Plaintiff's Attorney or the Plaintiff SAVAGE & SAVAGE 156 AIRPORT ROAD WARWICK RI 02889
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant No Known Address

TO THE DEFENDANT, HB EMPLOYEE SERVICES, LLC:

S/O CORPORATION SERVICE COMPANY

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 10/16/2020.

/s/ Henry Kinch
Clerk

Witness the seal/watermark of the Superior Court



STATE OF RHODE ISLAND AND

Justice Independence Honor

PROVIDENCE PLANTATIONS

SUPERIOR COURT

Plaintiff

Carline Vilbon

v.

HB EMPLOYEE SERVICES, LLC

Defendant**Civil Action File Number**

PC-2020-07233

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, HB EMPLOYEE SERVICES, LLC, by delivering or leaving said papers in the following manner:

☐ With the Defendant personally.

☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person of suitable age and discretion _____

Address of dwelling house or usual place of abode _____

Age _____

Relationship to the Defendant _____

☒ With an agent authorized by appointment or by law to receive service of process.

Name of authorized agent HB CORPORATION SERVICE COMPANY

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below. _____

☐ With a guardian or conservator of the Defendant.

Name of person and designation _____

☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.

☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.

Name of person and designation _____



STATE OF RHODE ISLAND AND

PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

☐ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ I was unable to make service after the following reasonable attempts: _____

SERVICE DATE:

12 / 4 / 20
Month Day Year

SERVICE FEE \$

45.00

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE

VINCENT P. CATAMERO
R.I. CONSTABLE #103SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE
NOTARIZED.

Signature _____

State of _____

County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notary
or ☐ proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence,
and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

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[Faint blue ink markings, possibly a signature or stamp, located in the center of the page.]



STATE OF RHODE ISLAND

SUPERIOR COURT

SUMMONS

Plaintiff Carline Vilbon v. HB EMPLOYEE SERVICES, LLC Defendant	Civil Action File Number PC-2020-07233 Attorney for the Plaintiff or the Plaintiff Richard J. Savage Address of the Plaintiff's Attorney or the Plaintiff SAVAGE & SAVAGE 156 AIRPORT ROAD WARWICK RI 02889
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant No Known Address

TO THE DEFENDANT, HB EMPLOYEE SERVICES, LLC:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 10/16/2020.	/s/ Henry Kinch Clerk
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Witness the seal/watermark of the Superior Court

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT**Plaintiff**

Carline Vilbon

Civil Action File Number

PC-2020-07233

v.

HB EMPLOYEE SERVICES, LLC

Defendant**PROOF OF SERVICE**

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, HB EMPLOYEE SERVICES, LLC, by delivering or leaving said papers in the following manner:

- ☐ With the Defendant personally.
- ☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person of suitable age and discretion _____

Address of dwelling house or usual place of abode _____

Age _____

Relationship to the Defendant _____

- ☐ With an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

- ☐ With a guardian or conservator of the Defendant.

Name of person and designation _____

- ☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.

- ☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.

Name of person and designation _____



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

☐ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.
_____☐ I was unable to make service after the following reasonable attempts: _____
_____SERVICE DATE: ____/____/____
Month Day Year

SERVICE FEE \$ _____

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE _____

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature

State of _____

County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notary

or ☐ proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

Page 2 of 2

CARLINE VILBON,
Plaintiff

vs.

HB EMPLOYEE SERVICES, LLC
Defendant

**STATE OF RHODE ISLAND
PROVIDENCE, S.C.**

SUPERIOR COURT

CIVIL ACTION

COMPLAINT

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL CAUSES OF ACTION

Plaintiff, by her attorney, Richard J. Savage, complaining of Defendant, alleges:

NATURE OF CLAIM

1. This Complaint is filed by Carline Vilbon (hereinafter “Plaintiff”). She is filing this case against HB Employee Services, LLC. She brings this action to obtain full and complete relief and to redress the unlawful employment practices described herein.
2. This action seeks declaratory and injunctive relief, attorney fees and other litigation expenses and other equitable relief, including, but not exclusively, back pay as well as compensatory pay to remedy the unlawful discrimination in employment the Plaintiff has suffered on account of her national origin, race and the retaliation she suffered on account of complaining about the race and national origin discrimination, in violation of the Rhode Island Civil Rights Act, RIGL §§ 42-112-1 *et seq.*

JURISDICTION and VENUE

3. This Court has jurisdiction over the Plaintiff's Rhode Island Civil Rights Act claim pursuant to RIGL § 42-112-2.

4. Venue is proper in this Court since the alleged unlawful employment practices occurred in Providence County, and the Defendant operates a facility in Providence County.

PARTIES

5. Plaintiff, a black woman who was born in Haiti, resides in the City of Pawtucket, County of Providence, State of Rhode Island. She at all times relevant hereto was an “employee” of HB Employee Services, LLC and she was a party to an employment contract with Defendant pursuant to RIGL § 42-112-1 *et seq.*
6. Defendant HB Employee Services, LLC is a Rhode Island Domestic Corporation. Defendant is an “employer” and it was a party to an employment contract with Plaintiff pursuant to RIGL § 42-112-1 *et seq.*

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

7. Plaintiff was employed by Defendant as a Registered Nurse (RN) nighttime supervisor from September 2017-December 10, 2017.
8. During her entire tenure with Defendant, Plaintiff always performed her job satisfactorily.
9. As part of Plaintiff’s job duties as a supervisor, she supervised Certified Nursing Assistants (CNAs).
10. Two of the CNAs that Plaintiff supervised were Sam Ogun and Nancy Toby.
11. Ms. Ogun and Ms. Toby are from Liberia, an English-speaking nation, and Plaintiff was from Haiti, a French speaking nation.
12. Ms. Ogun and Ms. Toby subjected Plaintiff to a hostile work environment at Defendant’s facility.

13. It is Plaintiff information and belief that Ms. Ogun and Ms. Toby subjected Plaintiff to a hostile work environment because she was from Haiti.

14. The actions by Ms. Ogun and Ms. Toby that caused a hostile work environment for Plaintiff included, but not exclusively: (1) Ms. Ogun making intimidating comments to Plaintiff, (2) Ms. Ogun and Ms. Toby being insubordinate to Plaintiff by ignoring Plaintiff's instructions and telling Plaintiff what they were going to do; (3) Ms. Ogun and Ms. Toby giving instructions to other CNAs on what they should be doing when it was Plaintiff who was supposed to do that; (4) Ms. Ogun and Ms. Toby not informing Plaintiff when they were going on breaks, which made it difficult for Plaintiff to do her job; (5) Ms. Ogun and Ms. Toby being upset that Plaintiff spoke to another employee questioning Defendant's break policy, which resulted in Ms. Ogun attempting to reprimand Plaintiff in a meeting; (6) Ms. Ogun refusing to follow Plaintiff's instructions to do rounds with another CNA; (7) Ms. Ogun and Ms. Toby reprimanding Plaintiff right out in the work area in front of other employees when they had no authority to reprimand Plaintiff; (8) Ms. Ogun falsely accusing Plaintiff of causing a resident's bruises and without authority insisting that Plaintiff file an incident report; (9) Ms. Toby eavesdropping on a conversation Plaintiff was having with another RN about the bruising incident and then Ms. Toby telling Ms. Ogun what Plaintiff had said about the incident; (10) Ms. Ogun threatening Plaintiff that she was going to make her suffer because Plaintiff had stated to another employee that Ms. Ogun had falsely accused Plaintiff of causing a resident's bruises; (12) Ms. Ogun often being loud and disruptive while working with Plaintiff, such as playing her music loudly; (12) Ms. Ogun telling Plaintiff, in Ms. Toby's presence, not to talk to

her and threatening Plaintiff that she did not forget what Plaintiff did; (13) Ms. Ogun instructing Ms. Toby not to listen to Plaintiff; (14) Ms. Toby falsely reporting that a resident made a complaint that Plaintiff made loud noises and the patient did not feel comfortable around Plaintiff; (15) Ms. Toby and Ms. Ogun falsely accusing Plaintiff of sleeping on the job; and (16) Ms. Toby and Ms. Ogun falsely accusing Plaintiff of poor patient care.

15. The actions by Ms. Toby and Ms. Ogun described in the previous paragraph created an intimidating and hostile environment for Plaintiff to work in as they were severe and/or pervasive and were done because Plaintiff was from Haiti.

16. The actions by Ms. Toby and Ms. Ogun were not welcomed by Plaintiff, were offensive to Plaintiff and would have been offensive to the reasonable person in Plaintiff's shoes.

17. On at least three occasions Plaintiff reported the actions by Ms. Toby and Ms. Ogun to her direct supervisor, Stephen Bergeron, who was Plaintiff's Director of Nurses.

18. On or about October 25, 2017, the first time Plaintiff reported the conduct of Ms. Ogun and Ms. Toby to Mr. Bergeron, he took no remedial action against them and told Plaintiff that they were just getting to know her and the facility.

19. On Plaintiff's last weekend working for Defendant, December 8-12, 2017 she reported Ms. Ogun and Ms. Toby's conduct to Mr. Bergeron.

20. Mr. Bergeron allegedly began an investigation into this matter.

21. Instead on taking any remedial action against Ms. Ogun and Ms. Toby, Mr. Bergeron retaliated against Plaintiff for complaining about the hostile working environment by, but not exclusively: (1) believing the false allegations of Ms. Toby and Ms. Ogun that

Plaintiff was providing poor patient care and sleeping on the job, which led to Plaintiff being suspended; (2) falsely accusing Plaintiff of poor patient care; (3) falsely accusing Plaintiff of submitting a fraudulent application (4) falsely claiming that Plaintiff said she was going to shoot up Defendant's facility, and (5) making false allegations against Plaintiff and filing a restraining order against her.

22. When other white Registered Nurses complained about the conduct of the CNAs to Mr. Bergeron, he took prompt effective remedial action to address their concerns.
23. It is Plaintiff's information and belief that Mr. Bergeron was willing to take prompt effective remedial action on behalf of white RNs who had issues with CNAs but failed to do so with Plaintiff, because of Plaintiff's race and national origin.
24. As a result of the actions by Ms. Ogun and Ms. Toby, Defendant's failure to provide prompt effective remedial action to end the hostile work environment, and Defendant's retaliation for complaining about a hostile work environment, Plaintiff was left with no other reasonable choice but to refuse to go back to Defendant when she was called back to work by them at some point on December 2017 or January 2018.
25. As a result of the actions by Ms. Ogun and Ms. Toby, Defendant's failure to provide prompt effective remedial action to end the hostile work environment, and Defendant's retaliation for Plaintiff complaining about a hostile work environment, Plaintiff has not been able to be employed at any place of employment and she is currently on SSDI.

FIRST CAUSE OF ACTION

National Origin (hostile work environment)

RIGL §§ 42-112-1 et seq.

26. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 25 of this Complaint with the same force and effect as if set forth herein.

27. Plaintiff was subjected to a hostile work environment based on her national origin, Haitian, in that the actions taken against her by other employees were severe and/or pervasive, unwelcome, were offensive to her and would have been offensive to the reasonable person in Plaintiff's shoes.

28. Plaintiff reported the other employees' hostile treatment of her to Defendant and Defendant failed to take any prompt effective remedial action against the employees who caused Plaintiff to be subjected to a hostile work environment, in violation of the Rhode Island Civil Rights Act.

29. As a direct and proximate cause of said acts, Plaintiff suffered and continues to suffer loss of income, loss of other employment benefits, and has suffered and continues to suffer emotional distress, humiliation, great expense, embarrassment, and damage to her reputation, and loss of enjoyment of life.

SECOND CAUSE OF ACTION

National Origin and Race (unequal working conditions)

30. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 25 of this Complaint with the same force and effect as if set forth herein.

31. Plaintiff was subjected to unequal working conditions based on her race and national origin when Defendant failed to take prompt effective remedial action against the

CNAs that subjected Plaintiff to a hostile work environment, but did take prompt effective remedial action against the CNAs who had issues with white RNs, in violation of the Rhode Island Civil Rights Act.

32. Plaintiff reported the other employees' hostile treatment of her to Defendant and Defendant failed to take any prompt effective remedial actions against the employees who caused Plaintiff to be subjected to a hostile work environment, in violation of the Rhode Island Civil Rights Act.

33. Defendant's failure to take prompt effective remedial action against the CNAs that subjected Plaintiff to a hostile work environment, but did take prompt effective remedial action against the CNAs who had issues with white RNs, subjected Plaintiff to unequal working conditions on the basis of her race and national origin, in violation of the Rhode Island Civil Rights Act.

34. As a direct and proximate cause of said acts, Plaintiff suffered and continues to suffer loss of income, loss of other employment benefits, and has suffered and continues to suffer emotional distress, humiliation, great expense, embarrassment, and damage to her reputation, and loss of enjoyment of life.

THIRD CAUSE OF ACTION

Retaliation

RIGL §§ 42-112-1 et seq.

35. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 25 of this Complaint with the same force and effect as if set forth herein.

36. Plaintiff complained that she was being subjected to a hostile work environment to Defendant on the basis of her national origin.

37. As a result of Plaintiff complaining about being discriminated against on the basis of her national origin, Defendant retaliated against Plaintiff by suspending her and making up false allegations against her, in violation of the Rhode Island Civil Rights Act.

38. Defendant's retaliatory conduct against Plaintiff led Plaintiff to be constructively discharged by Defendant.

39. As a direct and proximate cause of said acts, Plaintiff suffered and continues to suffer loss of income, loss of other employment benefits, and has suffered and continues to suffer emotional distress, humiliation, great expense, embarrassment, damage to her reputation, and loss of enjoyment of life.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests the Court to enter judgment:

- a. Declaring the acts and practices complained herein were in violation the Rhode Island Civil Rights Act, RIGL 42-112-1 *et seq.*;
- b. Enjoining and permanently restraining the Defendant from violations of the Rhode Island Civil Rights Act;
- c. Directing Defendant to take such affirmative action as is necessary to ensure that the effects of these unlawful employment practices are eliminated and do not continue to affect Plaintiff's employment opportunities;
- d. Directing Defendant to make Plaintiff whole for all earnings she would have received but for Defendant's discriminatory treatment, including, but not limited to, wages, and employee benefits;

- e. Awarding Plaintiff compensatory damages for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses;
- f. Awarding Plaintiff the cost of this action together with reasonable attorney's fees and expert witness fees, as provided by R.I. Gen. Laws §§ 42-112-1 *et seq.*;
- g. Awarding the Plaintiff punitive damages for the Defendant's intentional, malicious, and reckless conduct towards Plaintiff;
- h. Granting such other and further relief as this court deems necessary and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY

Respectfully submitted,
By Plaintiff's Attorney,

/s/ Richard J. Savage

Richard J. Savage (#5448)
SAVAGE & SAVAGE
156 Airport Road
Warwick, RI 02889
Telephone: (401) 732-9500
Fax: (401) 732-0166
Dated: October 16, 2020
richard@savageandsavage.com